

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CORNELIUS RATLIFF,)	
)	
Petitioner,)	
)	
v.)	No. 1:19-cv-04702-JPH-MJD
)	
DUSHAN ZATECKY,)	
)	
Respondent.)	

Order Granting Respondent's Unopposed Motion to Dismiss

Cornelius Ratliff filed a petition for a writ of habeas corpus challenging his conviction in prison disciplinary case number ISR 19-06-116. The respondent moves to dismiss the petition, arguing that the disciplinary conviction and sanctions against the petitioner have been vacated, and consequently there is no longer a live case or controversy before the Court. Dkt. 7; dkt. 7-2.

“A case becomes moot when it no longer presents a case or controversy under Article III, Section 2 of the Constitution.” *Eichwedel v. Curry*, 700 F.3d 275, 278 (7th Cir. 2012). A federal court may issue a writ of habeas corpus pursuant to 28 U.S.C. § 2254 only if it finds the applicant “is *in custody* in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a) (emphasis added). A habeas action becomes moot if the Court can no longer “affect the duration of [the petitioner’s] custody.” *White v. Ind. Parole Bd.*, 266 F.3d 759, 763 (7th Cir. 2001).

The petitioner is no longer in custody as a result of this disciplinary proceeding. The respondent’s motion to dismiss, dkt. [7], is **granted**. If the petitioner is found guilty upon rehearing and is deprived of earned credit time or demoted to a lower credit earning class, he may file a new habeas petition.

The petition for a writ of habeas corpus is **dismissed**. Final Judgment in accordance with this decision shall now issue.

SO ORDERED.

Date: 4/3/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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